

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

DERWIN ANDERSON,

Plaintiff,

v.

No. 2:23-cv-101 JHR/KRS

ANDREWS PENA and  
KINGSLEY CONSTRUCTORS, INC.

Defendants.

**ORDER QUASHING ORDER TO SHOW CAUSE**

**THIS MATTER** comes before the Court on its Order to Show Cause, (Doc. 5), entered May 16, 2023. The Court ordered Plaintiff to show cause why this case should not be dismissed as to Defendant Pena for failure to prosecute. On May 25, 2023, Plaintiff filed a response to the Order to Show Cause explaining he had made several efforts to serve Defendant Pena and counsel for Defendant Kingsley Constructors, Inc., has advised that she obtained authority to accept service on behalf of Defendant Pena. (Doc. 7). Also on May 25, 2023, Plaintiff filed a Notice of Acceptance of Service of Summons and Complaint, indicating service has been accepted on behalf of Defendant Pena. (Doc. 6). In light of these filings, the Court is satisfied that Plaintiff has complied with the Court's Order to Show Cause, and the Order to Show Cause, (Doc. 5), is hereby QUASHED. The Court will set a scheduling conference by separate order.



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KEVIN R. SWEAZEA  
UNITED STATES MAGISTRATE JUDGE